

**DEFENDANT'S MOTION TO EXCLUDE  
PLAINTIFF'S EXPERTS**

**EXHIBIT 3: Letter to Plaintiff's Counsel of December 14,  
2005**



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December 14, 2005

**VIA FACSIMILE**

LaBarron N. Boone  
BEASLEY, ALLEN, CROW,  
METHVIN, PORTIS & MILES, P.C.  
218 Commerce Street  
P.O. Box 4160  
Montgomery, AL 36103-4160

**RE: Estate of Ronald T. Roby v. Benton Express, Inc.  
In the United States District Court for the Middle District of Alabama  
2:05CV-194-T**

Dear LaBarron:

During Ms. Stirling's deposition last night, she testified that she had reviewed what she called "witness depositions" in your office and that these "witness depositions" at least are the partial basis of some of her opinions in this case. As you know, we are entitled to discover everything that Ms. Stirling has reviewed and everything that forms the basis of her opinions in this case. Specifically, as we requested during the deposition, we request that you produce all "witness depositions" (or whatever you want to call them) that Ms. Stirling reviewed and that you did not give her a copy of. From Ms. Stirling's testimony, these include statements of Bridget Harris, Andrew Davis, Corporal Green, LaDon Dansby, Richard Patterson, Stephen Hornsby, Michael Boozer, Jermale Ayers, Julie Pollard, Johnny Pollard, and Lisa Warr.

As you know, we had a good faith, face-to-face discussion regarding the discovery of these materials last night. During that discussion, you indicated that you might object to producing these documents. Please let us know by Friday, December 16, whether you will actually object. If you do object, or if we do not hear back from you by Friday, we will go ahead and file a motion with the Court.

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Thank you for your attention to this matter. We look forward to hearing from you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'GAB', written over a horizontal line.

Gregory A. Brockwell  
For the Firm

GAB/sdh

cc: Brett A. Ross, Esq.